IN THE HIGH COURT OF JUDICATURE AT BOMBAY.

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7843 OF 2005.

Sau. Sunitabai Namdev Patil..... ..... Petitioner

V/s

The Panchayat Samiti, Bhiwandi Dist. Thane & Ors..... Respondents.

Mr.A.Patil, Adv. For the petitioner.

Mr.R.D.Rane, AGP for the Respondents.

CORAM: V.G. PALSHIKAR, Ag. C.J.

AND

D.B. BHOSALE, J.

22nd Nov., 2005.

PC:

By this petition the petitioner has challenged the passing of no confidence motion on the basis of amended provisions of section 17 which require that where the office of the Chairman being reserved for women and is held by woman Chairman, the motion shall be passed by majority not less than ¾ members who were for the first time being entitled to sit and vote in the meeting. The Samiti consists of 18 members, one of the members died and therefore the remaining members present were 17 in number. Law requires 3/4th persons voting in favour of the resolution. 3/4th of 17 is 13 by fraction which is liable to be ignored. In such circumstances it cannot be said that passing of no confidence was in any manner illegal. Hence petition dismissed.